

OADBY & WIGSTON BOROUGH COUNCIL

Grievance Policy and Procedure 2017



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Oadby & Wigston
BOROUGH COUNCIL

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1.0 Background

A grievance is a concern, problem or complaint that an employee may wish to raise with their employer.

As an employer, Oadby and Wigston Borough Council ("the Council") aims to encourage employees to raise such issues so that they can be resolved in a way that is reasonable and fair to all concerned.

2.0 Purpose

The purpose of this Grievance policy and procedure is to provide the Council with the means to deal with grievances promptly (not hastily), consistently and fairly.

Issues such as bullying and harassment are excluded from this Policy and are instead to be dealt with under the Equality and Dignity at Work Policy and Procedure.

3.0 Scope

This policy and procedure does not apply to the Chief Officers; namely the Director of Services and the three Statutory Officers – the Chief Executive (Head of Paid Service), Director of Services (Monitoring Officer) and the Chief Financial Officer (Section 151 Officer). Reference should be made to the Constitution of the Council and the appropriate Standing Order pursuant to the Local Authorities (Standing Orders) (England) Regulations 2001 in respect of these Officers.

4.0 Equal Opportunities

The Equality Act 2010 provides a legal framework to combat unlawful discrimination and provides general and specific duties organisations must follow in relation to Equality in the workplace. The Council aims to eliminate discrimination on the grounds of age, being or becoming a transsexual person, being married or in a civil partnership, being pregnant or on maternity leave, disability, race (including colour, nationality, ethnicity or national origin), religion, belief or lack of religion/belief, sex or sexual orientation.

5.0 Exclusions

Not all matters are suitable matters to be raised, addressed and resolved under this Grievance Policy and Procedure.

Matters that cannot be raised as a grievance include the following:-

1. Grievances that are the subject of, or appropriate to a collective dispute (Two or more employees). These must be handled separately through discussions with a Trade Union. If those raising a collective grievance are not in a union, someone from the collective will have to be put forward to lead the collective grievance.
2. Issues where “Protected Disclosure” matters are raised. This should be dealt with separately under the Councils Whistleblowing Policy and Procedure.
3. Matters over which the Council have no control such as matters determined by legislation, statute and regulations, unless the Council is in breach of the same.
4. Dispute over the grading of a post or salary.
5. Issues such as bullying or harassment (please refer to the Equality and Dignity at Work Policy and Procedure)

If you have any doubt whether a grievance can be initiated under this policy please ask the HR team.

6.0 Mediation

The use of mediation to resolve grievances is to be encouraged by both parties. External mediation may be used if the use of an internal mediator is deemed inappropriate. Mediation is not a resolution tool to determine which party is right or wrong, mediators are there to ask questions, ascertain information and help to uncover underlying problems with the hope that it will assist the parties to understand any issues or concerns the other may have and help them to clarify the options for resolving such issues.

Neither the Council nor the employees are compelled to undergo mediation and could be used at both the informal and formal stage.

7.0 Informal Grievance Procedure

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Any employee wishing to raise a grievance must do so without unreasonable delay and informally in the first instance. Grievances must be raised within 10 working days of any incident that gives rise to the complaint or within 10 working days of a final incident, where there has been a series of complaints.

If an employee wishes to raise a grievance outside of the 10 working days, this can only be agreed by the mutual consent of the Senior Management Team (“SMT”) and Human Resources (“HR”) team.

7.1 Informal Discussion

Informal grievances are to be raised with an employee's Line Manager who should then seek advice from the HR team, or if the grievance is against the Line Manager it can be raised with HR if that is deemed more appropriate. The employee and Line Manager (or HR if more appropriate) will meet informally to discuss the nature of the grievance and ways to resolve the grievance.

8.0 Formal Grievance Procedure

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Where the informal grievance procedure cannot resolve matters, then employees may submit their grievance formally in writing within 5 working days of receiving the outcome of the informal procedure to HR by completing the Formal Grievance Form in Appendix 3.

The Council reserves the right to bring in a Third Party to conduct the Formal Grievance procedure if the Council deems it more appropriate.

8.1 Formal Meeting

Upon receiving notification of the formal grievance, an Appointed Officer from the pool set out in Appendix 2 will be appointed to investigate the formal grievance as soon as practically possible at a Formal Meeting. At this meeting, employees will be allowed to discuss their grievance and how they feel it should be resolved in the presence of a minute taker.

While employees will be given every opportunity to explain their case fully, explanations must confine to matters that are directly relevant to the grievance only. Focussing on irrelevant issues or incidents that took place long before the matter in hand is not helpful and can hinder the effective handling of the grievance.

The Appointed Officer can make a decision on what appropriate action to take, if any, at the Formal Meeting to resolve the grievance or they may decide to adjourn the meeting if they feel they need to further investigate or consider all the facts before reaching their final decision.

Employees have the statutory right to be accompanied at the Formal Meeting. Please refer to Appendix 1 to see how you may be represented.

A member of the HR team will be in attendance to offer guidance on this Policy and Procedure.

No form of recording equipment will be allowed into the Formal Meeting.

8.2 Investigation

If an investigation is required it will be carried out by the Appointed Officer. The investigation is a fact-finding exercise to collect all the relevant information surrounding the grievance to enable the Appointed Officer to fully consider the facts to make an informed decision. This is not an opportunity for witnesses or employees who have been called up as part of the investigation to offer opinions, hearsay or speculation.

Witnesses will have the opportunity to be accompanied to any investigatory meetings, as set out in Appendix 1.

The Appointed Officer may determine following the investigation whether the grievance needs to progress any further or not. If it is determined not to progress any further, the employee has 5 working days in which to appeal the decision in writing to HR.

Once the investigation is completed, the Formal Meeting will reconvene to discuss the outcome of any investigation.

8.3 Notification of Outcome of Formal Meeting

The outcome will be reaffirmed in writing. The letter will include the outcome of the grievance, details of the action to be taken to resolve the grievance (if necessary), how to appeal the outcome and the grounds on which an appeal can be made.

9.0 Appeal

An appeal may be lodged against the outcome of the Formal Meeting on the following grounds:-

- 1) The conclusion and/ or recommendations are unreasonable either because they are not supported by the findings of the Appointed Officer;
- 2) There has been a procedural error; and/ or
- 3) New evidence, relevant to the case, has come to light since the time of the investigation.

Appeals must be made to HR within 5 working days of receiving the letter notifying the employee of the outcome. The appeal will then be sent to the Monitoring Officer who will determine if the appeal can be accepted based on the above three grounds.

The purpose of the Appeal is to consider whether the process of the grievance investigation was fair and/ or whether the conclusions and recommendations are reasonable in all of the circumstances. The purpose is not to reinvestigate the grievance.

The appeal will be heard by two different Appointed Officers from Appendix 2. A different member of HR will also be in attendance to offer guidance on this Policy and Procedure.

Employees have the statutory right to be accompanied at the appeal hearing. Please refer to Appendix 1 to see how you may be represented.

This is the final stage of the grievance procedure and the decision reached by the panel is final. There is no further right of appeal.

No form of recording equipment will be allowed into the Appeal hearing.

10.0 Cases where there is an overlap of a Grievance and Disciplinary

Where an employee raises a grievance during a disciplinary process, the disciplinary process may be temporarily suspended in order to deal with the grievance.

Where the grievance and disciplinary cases are related, it may be appropriate to deal with both cases concurrently.

11.0 Malicious Grievances

If an employee raises a grievance and it is found to be deliberately malicious or includes false allegations at any stage, disciplinary action will be taken in line with the Councils Disciplinary Policy and Procedure whereby dismissal could be the ultimate sanction.

Similarly this will apply if any employee/ witness are found to deliberately give false information at any Investigation Meeting or at any Formal Meeting they may be called to attend.

Appendix 1: Roles and Responsibilities

The table below outlines the roles and responsibilities of those concerned by this policy and procedure:

Senior Management Team	At least one member of Senior Management Team together with a member of HR must approve grievances raised that are outside the 10 day deadline.
Line Managers	<p>Line Managers are responsible for dealing with and resolving informal grievances raised by their employees.</p> <p>Line Managers will provide assistance to employees where a genuine grievance has been raised and seek to distinguish between actual grievances and difficulties with their work.</p>
Employees	<p>Employees must ensure they understand the content of this policy and procedure and co-operate fully with it.</p> <p>Employees must raise Grievances with their Line Manager in the first instance or HR if more appropriate, but must distinguish between genuine grievances and difficulties at work.</p> <p>Employees are under duty to maintain a standard of conduct and performance under the Council's Visions and Values that is acceptable to the Council which does not give rise to grievances.</p>
HR	<p>HR will provide advice and guidance on this policy and procedure.</p> <p>HR will arrange a competent note taker to be present at Formal, Investigatory and Appeal stages.</p> <p>A member of HR will be in attendance during Formal meetings, hearings and appeal hearings to offer guidance on this Policy and Procedure.</p> <p>One member of the HR Team together with a member of SMT</p>

	must approve grievances raised that are outside the 10 day deadline.
Trade Union/ workplace colleague	Employees have the right to be accompanied by a Trade Union representative or workplace colleague during the formal and appeal stages of this policy and procedure. No external representation is permitted.
Appointed Officer	The Appointed Officer (set out in Appendix 2) will be appointed to independently and impartially hear the grievance that reach formal stage and investigate if necessary. If necessary, different Appointed Officers will be used to hear any appeals.
Monitoring Officer	The Monitoring Officer will determine whether any appeals received can progress to an Appeal Hearing based on the three appeal grounds on Page 5.

Appendix 2: Appointed Officers

Below are employees who can be selected to hear, investigate and hear any potential appeal grievances that reach the formal stage. (Please note this list is correct at the time of publication and may change over the course of time)

Corporate Resources

1. Health and Safety Officer

Planning, Development and Regeneration

1. Planning, Development and Regeneration Manager
2. Facilities and Administration Manager
3. Planning Policy Team Leader

Finance

1. Finance and Revenues and Benefits Manager
2. Revenues Team Leader
3. Accountant

EDOS

1. Health and Leisure Manager
2. Operations Manager
3. Recycling Co-ordinator
4. Fleet Manger

Community

1. Housing Services Manager
2. Property Manager
3. Environmental Health Team Leader
4. Senior Income Officer

Customer Service

1. Business Transformation Manager
2. Customer Service Team Leader
3. Customer Service Supervisor

Chief Officers

1. Chief Executive
2. Director of Services

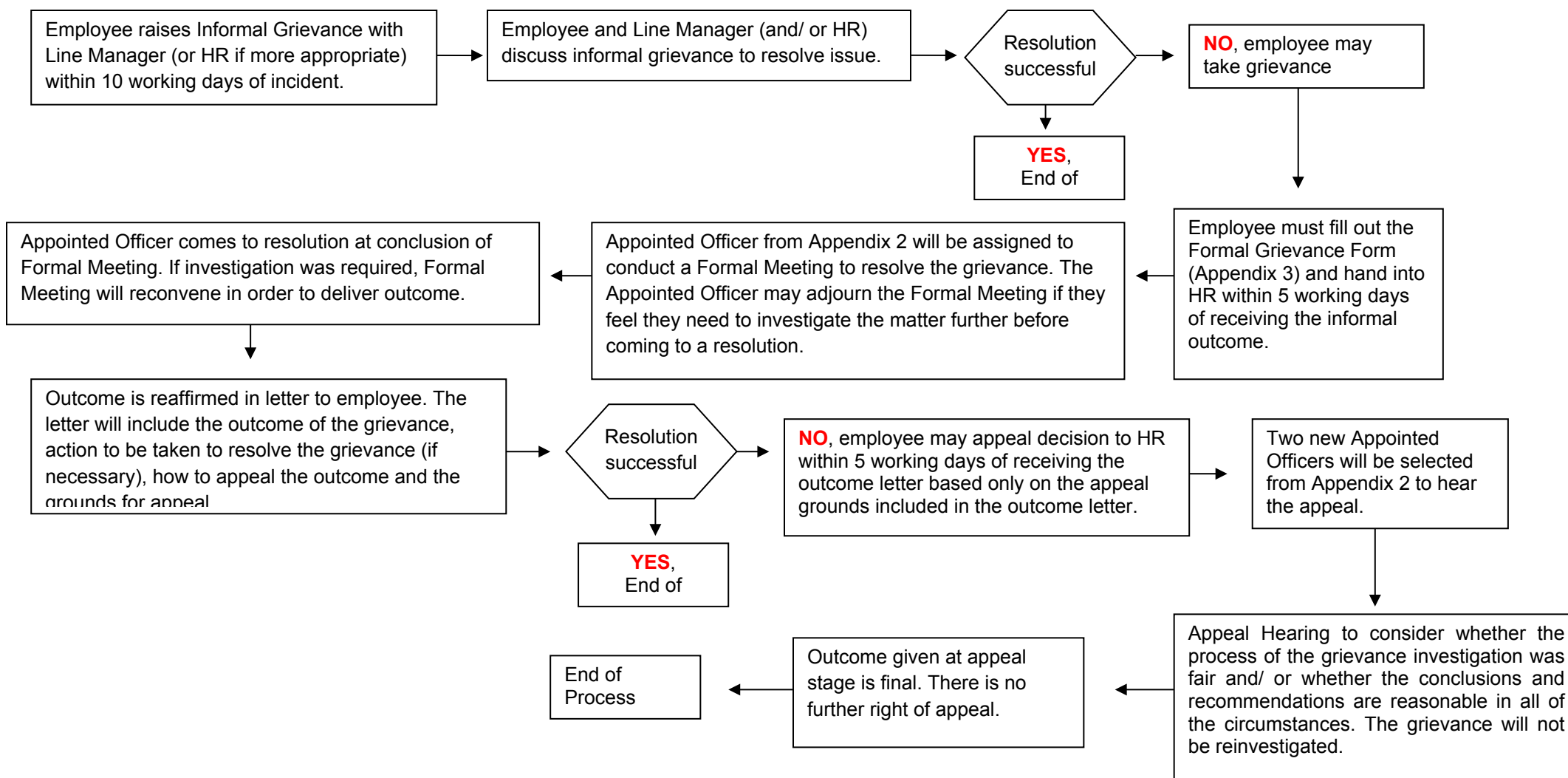
Appendix 3: Formal Grievance Form

The form overleaf should be completed by an employee raising a formal grievance when the informal procedure has been unsuccessful in providing a resolution.

Formal Grievance Form
Private and Confidential

Name:	
Service Area/ Team:	
What is the nature of the grievance?	
What action has already been taken informally to resolve your grievance? (Include who has considered it, when and what the outcome was)	
What outcome are you seeking?	
Signed (Employee):	Date:

Appendix 4: Grievance Process Flowchart



NOTE: This is a Reference Guide only and is not a substitute for reading the policy in full.